

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

LAUREN FANCHER, *et al.*,

Plaintiffs,

v.

USAA CASUALTY INSURANCE  
COMPANY, *et. al*,

Defendants.

CASE NO.: 4:20-cv-00123-SA-JMV

CHIEF JUDGE SHARION AYCOCK

MAGISTRATE JUDGE  
JANE M. VIRDEN

**ORDER**

This matter is before the court on the opposed Motion to Stay Proceedings [68] filed by Defendant United Services Automobile Association. The matter has been fully briefed, and based thereon, the court finds, as discussed below, that a stay of discovery in this case is warranted pending the earlier of a decision of the pending Motion to Compel Appraisal [26] or September 30, 2021.<sup>1</sup>

The history of this case has been set out previously in repeated filings. Accordingly, it is not reiterated herein, except to note that this is a putative class action pursuant to FED. R. CIV. P. 23, and as such, discovery as to appropriateness of certification of a class – not discovery on the merits – is the primary concern of the court at this juncture. *Amgen Inc. v. Connecticut Retirement Plans and Trust Funds*, 568 U.S. 455, 465-66 (2013); *see generally* 3 NEWBERG ON CLASS ACTIONS § 7:14 (5th ed.).

Indeed, the Case Management Order entered in this case [58] reflects that except where unavoidable, only discovery related to the appropriateness of a certified class is permitted and

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<sup>1</sup> The court will revisit the issue of discovery at that time.

merits discovery will not ensue until a ruling has been made on whether a class will be certified. Additionally, given that whether the named Plaintiff will be compelled to appraisal in this case, and if so, that the outcome thereof could have a material effect on Plaintiff's satisfaction of the prerequisites for class certification, it is the undersigned's view that proceeding with discovery about class certification at this juncture is potentially unnecessarily wasteful.

**SO ORDERED**, this the 1st day of April, 2021.

/s/ Jane M. Virden  
**UNITED STATES MAGISTRATE JUDGE**